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By Neemi Chape  
(Signature)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Atty. Docket

EUGENE S. YEVGENIY

US018043

Serial No. 09/823,141

Group Art Unit: 2195

Filed: MARCH 30, 2001

Examiner: SYED J. ALI

Title: TASK MANAGEMENT SYSTEM

Mail Stop: APPEAL BRIEF - PATENTS  
Commissioner for Patents  
Alexandria, VA 22313-1450

**APPEAL UNDER 37 CFR 41.37**

Sir:

Enclosed is an Appeal Brief in the above-identified patent application.

Please charge the fee of \$500.00 to Deposit Account No. 14-1270.

This paper includes (each beginning on a separate sheet):

1. Appeal Brief, with appendices.

Respectfully submitted,

By Larry Libberchuk  
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## **APPEAL BRIEF**

### **I. REAL PARTY IN INTEREST**

The real party in interest is Koninklijke Philips Electronics N.V. corporation, the assignee of record.

### **II. RELATED APPEALS AND INTERFERENCES**

Appellant is not aware of any pending appeals, judicial proceedings, or interferences which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Claims 1, 3 – 6 and 10 – 18 are rejected.

Claims 2 and 7 – 9 are canceled.

### **IV. STATUS OF AMENDMENTS**

An after-final amendment under 37 CFR 1.116 was filed on September 15, 2005 in response to the Final Office Action. This after-final amendment was entered into the record, pursuant to the Advisory Action of October 31, 2005. The Advisory Action maintained the rejection of claims 1, 3 – 6 and 10 – 18.

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### **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention, as recited in independent claim 1, is related to a task management system for use in a home environment for managing a task scheduled in advance and involving a user moving an object from a first location to a second location. See paragraph [0012] of the specification. Further according to the present invention of claim 1, a tag (indicator 16) is attached to the object (18). See paragraph [0015] and Fig. 1. A sensor (14) is fixedly positioned in a path of travel of the object (18) from the first location (position "A" at location 24) to the second location (position "C" at location 26). See paragraph [0015] and Fig. 1.

The sensor is configured to remotely sense the presence of the object (18) at a first intermediate location (position "B") between the first and second locations (24 and 26, respectively) via the tag (16) attached to the object (18). See paragraph [0015] and Fig. 1. The sensor (14) is configured to transmit a first signal (20) responsive to the remote sensing of the presence of the object at the first intermediate location between the first and second locations. See paragraph [0015] and Fig. 1. The sensor (14) is configured to remotely sense the absence of the object at the first intermediate location (position "B") between the first and second locations (24 and 26, respectively) via the tag (16) attached to the object (18), subsequent to the transmission of the first signal. See paragraph [0016] and Fig. 1. The sensor (14) is configured to transmit a second signal responsive to the remote sensing of the absence of the object (18) at the first intermediate location (position "B") between the first and second locations (24 and 26, respectively). See paragraph [0016] and Fig. 1.

Scheduling means (19) is provided for scheduling the task. See paragraph [0016] and Fig. 1. Monitoring means (19) is provided for receiving and processing the first and second signals transmitted from the sensor (14). See paragraph [0016] and Fig. 1. The monitoring means (19)

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is provided for generating a reminder message for display to the user to perform the scheduled task. See paragraph [0017] and Fig. 1. The monitoring means (19) is provided for automatically removing the reminder message upon receiving the second signal from the sensor indicating completion of the scheduled task. See paragraph [0017] and Fig. 1.

Independent claim 11 is a method claim that corresponds to system claim 1. As such, claim 11 recites features that are analogous to those in claim 1, as discussed above. To avoid repeating the above, discussion of claim 11 is therefore omitted.

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claims 1, 3 – 6 and 10 – 18 are properly rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,697,103 to Fernandez et al. ("Fernandez").

#### **VII. ARGUMENT**

With reference to Appellant's claim 1, it is respectfully submitted that Fernandez fails to teach or suggest several elements of the present invention.

Fernandez is directed to remote surveillance and communications technology and, in particular, to integrated fixed and mobile network electronics and related software for object attribute processing. Fernandez discloses an integrated fixed and/or wireless network and associated database and software functionality for monitoring and processing remote and/or local moveable objects.

More specifically, in Fig. 1 Fernandez illustrates a general block diagram of the integrated fixed and/or mobile network system or apparatus for performing real-time, historical and/or predictive monitoring and data processing of one or more remote or local objects 2. As

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further shown in Fig. 1, the integrated network monitoring system includes controller 6 coupled to network 8. Network 8 further couples to one or more conventional Internet, intranet or other LAN/WAN network connection or server 5 and sensor or detector 3, as well as communicator 7 for communicating to one or more target unit 4.

In accordance with Fernandez, one or more detectors or sensors 3 are installed at preferably fixed, although possibly slightly movable, physical sites or locations in deliberate and distributed fashion. An integrated system database maintains and updates past, current and planned location for each sensor coupled to such system, preferably as function of time or schedule. Additionally, when existing detector and/or server site is relocated, corresponding database entries 162 are updated.

According to the Final Office Action, Fernandez' detector 3 is analogized to Appellant's first sensor of claim 1. Further according to the Final Office Action, it is asserted that Appellant's feature of the first sensor configured to "remotely sense the absence of said object at said first intermediate location between said first and second locations via said tag attached to said object, subsequent to said transmission of said first signal" is disclosed in col. 3, lines 60-67 and col. 6, lines 5-10 of Fernandez. Appellant respectfully disagrees. Those portions of the patent referred to in the Final Office Action are reproduced below:

"... one or more detectors or sensors 3 are installed at preferably fixed, although possibly slightly movable, physical sites or locations in deliberate and distributed fashion. As used herein, term "fixed" is understood to mean un-movably mounted, at certain physical location or limited area, although still relocatable to other fixed sites, and still adjustable or redirectable while at such fixed site, for example, to point at different direction or angular displacement. (col. 3, lines 60-67)

Target units 4, shown in FIG. 4 block diagram, are disposed for relative object 2 communications, tracking and monitoring at various fixed or movable locations in selected topology or

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geography preferably in anticipated or known paths of object 2 movement relative to fixed location of controller 6, network 8, communicator, server 5, or detector 3. (col. 6, lines 5-10)

Nowhere is the above feature of Appellant's claim 1 disclosed in those portions of the patent or anywhere else in Fernandez. Fernandez merely discloses fixed detectors 3 that detect a moving object. Nowhere does Fernandez teach the feature of detecting the absence of the object at a particular location after it has been detected at that location, as recited in Appellant's claim 1. In the Final Office Action, such disclosure has been impermissibly attributed to Fernandez without any factual basis, as is apparent from the portion of the patent reproduced above. It is not supported factually and cannot be sustained on review.

Furthermore, it is asserted in the Office Actions that Appellant's feature of a first sensor configured to "transmit a second signal responsive to the remote sensing of the absence of said object at said first intermediate location between said first and second locations" is allegedly disclosed in col. 6, lines 16-23, 30-32 and 50-52 of Fernandez. Appellant respectfully disagrees. Those portions of the patent referred to in the Final Office Action are reproduced below:

"...to provide real-time object data, such as audio and/or video signals, or other electronically detectable frequency signal, such as infra-red, or other analog or digital electrical signal sensed from monitored object 2 depending on nature of object and kind of monitoring desired. (col. 6, lines 16-23)

Communicator unit 46 is coupled to sensor unit 44 to send and/or receive real-time or store-and-forwarded object data or packets preferably generated by sensor 44. (col. 6, lines 30-32)

In one embodiment, processor 48 monitors observed input to sensor 44 for new object data and provides such data to pre-configured webpage site. (col. 6, lines 50-52)

Nowhere is the above feature of Appellant's claim 1 disclosed in those portions of the patent or anywhere else in Fernandez. As discussed above, this feature of Appellant's claim 1 is

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impermissibly read into the prior art reference without any factual basis, as there is absolutely no correspondence between Fernandez' disclosure, as cited in the Final Office Action and reproduced above, and Appellant's claim 1 limitation. Such alleged correspondence cannot be sustained on review.

Still further, it is argued in the Final Office Action that Fernandez, in col. 4, lines 20-22 and col. 9, lines 26-38, teaches monitoring means for "automatically removing said reminder message upon receiving said second signal from said first sensor indicating completion of said scheduled task" of Appellant's claim 1. Once again, Appellant disagrees. The portions of the patent cited in the Final Office Action are as follows:

"Additionally, when existing detector and/or server site is relocated, corresponding database entries 162 are updated. (col. 4, lines 20-22)

Database structure 162 may include schedule or other temporal scheme associated with one or more object presence, movement and/or other observed condition in one or more monitored locations. In this way, control software 66 or user thereof may compare determined object presence or other surveillance measurement thereof against such scheduled object activity. This allows determination of compliance, as well as recording or alerting appropriately, for example, when object delivery is late, early, on schedule, unscheduled, or absent. Furthermore, by determining actual monitored object schedule, control software 66 may provide for more efficient local resource allocation and coordination with such monitored object or set thereof. (col. 9, lines 26-38)

Nowhere is the above feature of Appellant's claim 1 disclosed in those portions of the patent or anywhere else in Fernandez. According to the Final Office Action, Appellant's features of "automatically removing reminder message" and "upon receiving said second signal from said first sensor indicating completion of said scheduled task" are completely ignored. Instead, in the Final Office Action the focus is on a general description of recording or alerting in

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Fernandez, and an effort to impermissibly add Appellant's features to Fernandez' disclosure.

Once again, in the Final Office Action, the disclosure allegedly corresponding to Appellant's feature of claim 1 has been impermissibly attributed to Fernandez without any factual basis, as is apparent from the portions of the patent reproduced above. It is not supported factually and cannot be sustained on review.

Pursuant to MPEP, Section 2131, to anticipate a claim, the reference must teach every element of the claim. As discussed above, Fernandez fails to teach every element of Appellant's claim 1. Appellant, therefore, respectfully submits the final rejection of claim 1 lacks factual and legal basis and should be reversed. Claim 1 should be passed to issue.

Independent claim 11 contains features that are substantially analogous to those of claim 1, as discussed above. Appellant essentially repeats the same argument as above with reference to claim 1 and asserts that claim 11 is not anticipated by the prior art of record for the same reasons as claim 1. Appellant, therefore, respectfully submits that the final rejection of claim 11 lacks factual and legal basis and should be reversed. Claim 11 should be passed to issue.

Claims 3 - 6, 10 and 12 - 18 depend, either directly or indirectly, from independent claims 1 and 11 and thus incorporate novel and non-obvious features thereof, in addition to further limitations. Therefore, dependent claims 3 - 6, 10 and 12 - 18 are patentably distinguishable over the prior art of record for at least the same reasons as independent claims 1 and 11. Appellant, therefore, respectfully submits the final rejection of claims 3 - 6, 10 and 12 - 18 lacks factual and legal basis and should be reversed. Claims 3 - 6, 10 and 12 - 18 should be passed to issue.




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### VIII. CONCLUSION

In light of the above, Appellant respectfully submits that the rejections of claims 1, 3 – 6 and 10 – 18 are in error. The prior art reference relied upon in the Final Office Action does not anticipate or render obvious Appellant's claims 1, 3 – 6 and 10 – 18. Thus, Appellant respectfully submits that the 102 rejections are in error, legally and factually, and must be reversed.

Respectfully submitted,

By   
Larry Liberehuk, Reg. No. 40,352  
Senior IP Counsel  
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914-333-9602

November 21, 2005

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### IX. CLAIMS APPENDIX

1. A task management system for use in a home environment for managing a task scheduled in advance and involving a user moving an object from a first location to a second location, the system comprising:

- (a) a tag attached to said object;
- (b) a first sensor fixedly positioned in a path of travel of said object from said first location to said second location, said first sensor configured to:
  - (i) remotely sense the presence of said object at a first intermediate location between said first and second locations via said tag attached to said object;
  - (ii) transmit a first signal responsive to the remote sensing of the presence of said object at said first intermediate location between said first and second locations;
  - (iii) remotely sense the absence of said object at said first intermediate location between said first and second locations via said tag attached to said object, subsequent to said transmission of said first signal; and
  - (iv) transmit a second signal responsive to the remote sensing of the absence of said object at said first intermediate location between said first and second locations;
- (c) scheduling means configured for scheduling said task;
- (d) monitoring means for
  - (i) receiving and processing said first and second signals transmitted from said first sensor;

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(ii) generating a reminder message for display to said user to perform said scheduled task;

(iii) automatically removing said reminder message upon receiving said second signal from said first sensor indicating completion of said scheduled task.

Claim 2 (Canceled)

3. The system of claim 1, further comprising software means for enabling the user to program the scheduler.

4. The system of claim 3, wherein the scheduler is remotely programmed with data network received from a remote server via a data network.

5. The system of claim 1, further comprising a second sensor configured to:

- remotely sense the presence of said object at a second intermediate location between said first and second locations;

- cooperate with the first sensor and said monitoring means to determine the direction of movement of the object along the path of travel.

6. The system of claim 1, further configured to manage multiple conditionally interrelated tasks.

Claims 7 – 9 (Canceled)

10. The system of Claim 12, wherein said home network further comprises computer code on a computer readable medium for use on said home network, said computer readable code configured for:

receiving first input data associated with a presence of an object,

receiving second input data representative of a scheduled task involving a user moving the object, wherein the computer readable code comprises a scheduler application for generating output data for alerting the user to the task responsive to the reception of said first and second input data.

11. A method of providing a service to a user of a task management system for use in a home environment, the system enabling the user to manage a task scheduled in advance, the task involving the user moving an object from a first location to a second location, the method comprising the acts of:

scheduling a reminder message to carry out said task;

displaying said scheduled reminder message to the user;

remotely sensing the presence of an object at a first point in said path between said first location and said second location;

transmitting a first signal to a monitoring means responsive to said remote sensing of the presence of said object at said first point in said path;

remotely sensing the absence of said object at said first point in said path between said first location and said second location, subsequent to remotely sensing the presence of said object at said first point;

transmitting a second signal to said monitoring means responsive to said remote sensing of the absence of said object at said first point in said path; and

automatically removing said reminder message responsive to receiving said second signal at said monitoring means.

12. The system of Claim 1, wherein said monitoring means is a component of a home network.

13. The system of Claim 12, wherein said home network is wirelessly linked to a mobile computing device.

14. The method of Claim 11, further comprising the acts of

remotely sensing the presence of the object at a second point in said path between said first location and said second location;

transmitting a third signal to said monitoring means responsive to said remote sensing of the presence of said object at said second point in said path; and

calculating a direction of movement of said object from said first and third signals.

15. The method of Claim 11, wherein the act of scheduling a reminder message to carry out said task further comprises: receiving schedule information over a network such as the Internet.

16. The method of Claim 11, wherein the act of scheduling a reminder message to carry out said task further comprises: programming said reminder message via a scheduling application configured to manage a plurality of tasks.
17. The method of Claim 11, wherein the act of displaying said scheduled reminder to said user comprises: displaying said scheduled reminder via a home network of said user.
18. The method of Claim 1, wherein said tag is programmable for identifying different objects via said first sensor.

**X. EVIDENCE APPENDIX**

None.

**XI. RELATED PROCEEDINGS APPENDIX**

None.